

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, June 4, 2007 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, Moira Miller, and Michael Hale, Assistant Town Manager. Mr. Lebeaux called the meeting to order at 7:05pm.

Preliminaries:

1. Reorganization of Board. Mr. Lebeaux nominated Maurice M. DePalo as chairman. Mr. McCaffrey seconded and the Board unanimously approved. Mr. DePalo thanked his fellow Board members and said he looked forward to the coming year. Mr. Card nominated James A. McCaffrey as Vice Chairman. Ms. Miller seconded and the Board unanimously approved. Ms. Miller nominated Bruce R. Card as Clerk. Mr. McCaffrey seconded and the Board unanimously approved. Mr. Card has served as Clerk for the past fourteen years. He is the longest serving Clerk in the Board's history. Mr. DePalo assumed the chair.
2. Approve bills, payrolls and warrants, #0795 in the amount of \$357,034.43, and #0792 in the amount of \$4,378,579.80. Motion made, seconded and unanimously approved.
3. Approve minutes May 14, 2007. Motion made, seconded and unanimously approved.
4. Announcements. Mr. DePalo extended congratulations to Shrewsbury High School's recent graduates and their families and wished the class success as they enter the next phase of their lives. He advised that there was an Emergency Management Drill held last Saturday at the postal facility. Mr. Hale was a participant and he, along with Mr. McCaffrey and Ms. Miller, had attended. Mr. DePalo asked Mr. McCaffrey to review the drill. Mr. McCaffrey advised that Shrewsbury police and fire personnel were involved and that this was a real time hazmat exercise headed by Fire Chief LaFlamme. Also involved were members of the ATF, FBI, MEMA, and postal inspection authorities and special emergency teams from other cities and towns. The State Fire Marshall was also present. Congratulations to all those involved for doing an excellent job. Mr. Card advised that the Brian Moquin Square was dedicated over Memorial Day weekend. Over 200 people were in attendance, including Rep. Polito, Senator Augustus, Town Manager Morgado, the Board of Selectmen and Boy Scouts from various troops. Funds for the marker and a scholarship were raised by a motorcycle club. Mr. Card commended Parks, Recreation & Cemetery Director Angela Snell for the fine job she did coordinating the event. He also complimented Ms. Snell for her work in coordinating the Memorial Day Parade and related events and all the other things she does for the town.
5. Town Manager's Report. Mr. Hale advised that the town had been awarded a \$150,000 grant related to a Town Meeting Warrant Article relative to designating the Allen Property as 43D. Funds should be received by the end of this fiscal year.

Meetings:

6. 7:00pm - Sign BAN Renewal – Oak Middle School, Treasurer Carolyn Marcotte. Treasurer Marcotte was present and advised the Board that she was asking them to sign a thirty day renewal for the Oak Middle School Bond Anticipation Note. Mr. Lebeaux moved to approve the renewal of a \$1,278,307.00 5.40 percent Bond Anticipation Note of the Town dated June 8, 2007 and payable July 6, 2007 to Eastern Bank at par. Motion was seconded and unanimously voted.

Public Hearings:

7. 8:00pm – Phase III Comprehensive Wastewater Plan.

Mr. DePalo called a brief recess at 8:01pm to allow set up of the PowerPoint equipment. Meeting was reconvened at 8:10pm.

Town Engineer Jack Perreault, Water & Sewer Superintendent Robert Tozeski were present along with consultants Meredith Zona & Bob Letourneau of Fay, Spofford & Thorndike, Tom Parece and John Daniels of Earth Tech and Sewer Commissioners, Joseph Zecco and Paul Burnett. Mr. Perreault advised that they were before the Board this evening to present Phase III - Alternative Evaluation & Plan Selection of the Comprehensive Wastewater Management Plan. He advised the Board that Ms. Zona would be presenting the town portion of the plan and Mr. Letourneau would be presenting the treatment plant portion. Mr. Perreault noted that government mandates have required the towns using the Westborough Treatment Plant (Westborough, Shrewsbury and Hopkinton) to undertake this study and the resulting upgrades and repairs to the Treatment Plant.

Ms. Zona reviewed Phase I and II of the Wastewater Management Plan. The total wastewater allocation for the Treatment Plant is 7.68 mgd. Of that amount, Shrewsbury's portion is 4.39 mgd or 57.16%. Expansion of the system was explored with the only feasible site for groundwater discharge being the Westborough State Hospital, which would be far too costly to develop. Therefore, if capacity is to be maintained for existing residential and commercial/industrial users, and for future commercial/industrial development and redevelopment of commercial/industrial lots, there can be no significant expansion of the sewer system for additional residential development. Shrewsbury's share of the mandated repairs and necessary upgrades to the plant would be \$36.3 million which includes not only upgrades to the plant but sewer extensions to areas that cannot support Title 5 wastewater disposal, pump station upgrades, and upgrades to the main interceptor, and infiltration (I/I) reduction. This breaks down to a cost per household of \$151 in 2007 increasing to \$245 by 2010.

Mr. Letourneau reviewed Phase I & II in regard to the Treatment Plant which was a collaboration of Fay, Spofford & Thorndike and Earth Tech. He advised that there are additional areas available at the facility for settling tanks and other unit processes. In Phase III the main focus is on phosphorus removal and the Wastewater Treatment Plant Board is pursuing an aggressive design schedule to meet the 0.1 mg/L total phosphorus discharge limit into the Assabet River as mandated by the EPA. This was part of the NPDES permit issued to the Plant which expires in 2011. They tested several pilot programs to achieve this phosphorus level and all were successful. These proposals will be evaluated with a decision due sometime in July. Mr. Perreault added that they have been working on this since 1999 and that the current permit expires in 2011. The towns had no choice as this was required by federal law and they did not have a lot of discretion in developing solutions. Mr. Perreault added that there is a sediment study going on in the Assabet River at present which could result in different limits.

Chairman DePalo asked for questions from the Board.

Mr. McCaffrey asked what will happen if the phosphorus reduction is not achieved. Mr. Perreault answered that this is looked at periodically as an on going part of operations. Mr. McCaffrey added that the overall recommendations could be an expensive proposition. Ms. Zona replied that hopefully there would be money from developers that would go towards the I/I reduction costs and the sewer extensions.

Mr. DePalo asked about lots within 100 feet of sewers. Mr. Perreault advised that they will be able to connect. Mr. DePalo asked about the need areas where the system has to be extended are these areas critical because of failed systems or is the soil not conducive to a system? Ms. Zona replied that there is some of each. Mr. Perreault added that sewer lines will be extended in these areas, in particular the areas around Newton Pond, the Town wells, etc. to prevent sewerage from going into water bodies. Mr. DePalo asked if this will create a problem by restricting the right to build if sewer capacity is not available. Mr. Perreault answered that several towns have legislation in place, including Shrewsbury, which allows them to say no to development. Also developers will be encouraged to build package plants that would service new and/or existing developments.

Mr. Lebeaux asked for more information regarding the cost to Shrewsbury residents including those mandated by DEP/EPA. Mr. Perreault advised that treatment plant costs are included in the wastewater costs given

previously but there will be something additional in the future. However, we do not know what the additional costs will be when the Assabet River sediment study is completed.

Mr. McCaffrey asked how these restrictions will affect future economic development. Mr. Perreault advised that they would like to reserve capacity for commercial/industrial growth. Mr. Hale added that developers have been and will be advised that building a package treatment plant would be part of their permit. Mr. McCaffrey asked if this would be a deal breaker. Mr. Hale advised that it had not been a problem so far.

Chairman DePalo opened the hearing to the public.

Christopher Kirk, 40 Westwood Road, asked several questions. What is the purpose of the upgrade to the Westborough Treatment Plant? Mr. Perreault replied that upgrades were mandated by the DEP/EPA due to problems in the Assabet River. Mr. Kirk asked why harvesting of the weeds in the river wasn't considered as a way to control algae instead of spending money on programs that we are not sure will even work. Mr. Perreault advised that the weeds were not the basis for the algae problem. The phosphorus in the river acts as fertilizer for aquatic weeds and for the growth of algae. He added that algae growth is also affected by the seasons. Mr. DePalo said that the upgrades are needed partly due to river conditions and partly due to EPA/DEP mandates. Mr. Kirk asked why 7.68 mgd flow was chosen. Mr. Perreault replied that 7.68 mgd is the design capacity of the Plant and the amount the Plant is permitted for. If the towns want to increase capacity they would have to pursue ground water discharge and that cost is prohibitive. Mr. Kirk asked what exactly did the \$34 million buy. Mr. Letourneau replied that building, site and mechanical upgrades are involved in addition to process upgrades and improvements to equipment, electrical system, etc. This is a total plant upgrade. Mr. Kirk expressed concern about the sewer services for the town in future. Mr. DePalo referred to previous answers from participants regarding future development. He added that this is not something that either Westborough or Shrewsbury wants to do; they would rather expand the plant capacity. However, that is not feasible so what they are trying to do is control costs and plan for the future. Mr. Kirk said that he did not think that the towns should have to pay for mandated requirements from the DEP/EPA; DEP/EPA should pay for these mandates. Mr. DePalo added that he was preaching to the choir on this matter. Motion was made, seconded and unanimously voted to close the hearing.

Old Business:

8. Response from Town Engineer Perreault & Police Chief Hester re Lakeside Drive Parking. Complaint was made relative to parking. The Town Engineer advises that research has to be done to determine the owner of the property and his department does not have the time to do the research at present. Complaint will remain open until research can be completed. Complainant to be notified.
9. Response from Town Engineer Perreault & Police Chief Hester re Grafton Street – Heavy Commercial Vehicles. Police Dept. has advised UPS drivers and school buses to avoid this area.
10. Response from Town Engineer Perreault & Police Chief Hester re Orchard Road Traffic. A complaint was made that vehicles of parents waiting to pick up children from the middle schools were clogging road. Parents waiting to pick up children were advised to park only on the left side of the road. Police will monitor situation.
11. Response from Town Engineer Perreault & Police Chief Hester re Bumble Bee Circle/Whippoorwill Drive/Main Blvd. 4-Way Stop Intersection. Police officers monitored the area. Chief Hester and Town Engineer Perreault concluded that this intersection does not meet the criteria for a four way stop. Resident to be notified and a copy of the report sent.

New Business:

12. Sign Town Clerk's Bond for \$9,500.00. Motion was made, seconded and unanimously voted to authorize the clerk to sign the bond.
13. Request from Shrewsbury Garden Club/Spirit of Shrewsbury Fall Festival Committee to use the Town Common for the 3rd Annual Scarecrow Contest and Display, September 24-October 19, 2007. Motion was made, seconded and unanimously voted to approve.

14. Discussion on the Municipal Partnership Act. Mr. Hale reviewed the legislation noting areas that the Board should be aware of before endorsing the package. Those are the sections relating to local sales tax on meals, tax on telecommunication poles, health insurance and retirement funds. The MMA is promoting this legislation. There are many good things in this legislation but there are others that the Board may not wish to endorse. After a discussion the Board decided to hold any action on this legislation until the next meeting on June 25th.
15. Reappointment of Town Counsel, Attorney T. Philip Leader for a term of one year to expire June 30, 2008. Motion was made, seconded and unanimously voted to reappoint Atty. Leader as Town Counsel for a term of one year expiring on June 30, 2008.
16. Reappoint Robert Cox, 478 Grafton Street, and Michael Perna, Jr., 42 Plainfield Avenue, as members of the Historic District Commission for terms of three years expiring June 30, 2010. Motion was made, seconded and unanimously voted to reappoint Robert Cox and Michael Perna, jr. as members of the Historical District Commission for terms of three years expiring on June 30, 2010.
17. Selectmen's Meeting Schedule July through December 2007. Board voted to approve the schedule with one change. The July 23rd meeting will be moved to July 16th. Motion was made seconded and unanimously voted to approve the schedule as revised.
18. Memo from Mr. Morgado re reappointment of Robert P. Jacques and Patricia M. Banks to the Conservation Commission for terms of three years expiring on June 30, 2010. Mr. Lebeaux recused himself to avoid the appearance of conflict of interest. Motion was made, seconded and voted four in favor with one abstention to approve the reappointments as recommended by Mr. Morgado.
19. Discussion on what form of comment should the Board make on the Water Resources Commission – Policy for Developing Water Needs Forecasts for Public Water Suppliers & Methodology for Implementation. Town Engineer Jack Perreault, Water & Sewer Superintendent Robert Tozeski joined the discussion. Mr. Tozeski reviewed the current water policy under which Shrewsbury is limited to 65 gals. or less per day per person. He advised that a town cannot get an increased allocation even if they are in compliance. There are several factors that were not considered when Shrewsbury's allocation was determined that should be considered and which the town would like to pursue. Mr. Hale added that public comment on this document will only be allowed until Wednesday of this week. In view of this a letter has been drafted for the Board's approval on the matter. If the Board is in agreement he asked that they authorize the chairman to sign the letter to be sent to the Water Resources Commission. Motion was made, seconded and unanimously voted to authorize the chairman to sing the letter.
20. Creedon & Co., Inc., 39 Jolma Road, Worcester, MA, One Day Wine & Malt Beverages License for Holy Cross Athletics Dept., Donahue Rowing Center, 237 No. Quinsigamond Ave., Thursday, June 7, 2007 from 4:30pm to 8:00pm. Motion was made, seconded and unanimously voted to approve the application for the days and hours as stated.
21. Notice from Town Clerk Ann Dagle re Donation of Money. Ms. Dagle advises that the YES4 Shrewsbury Committee was dissolved following the election and the funds remaining were donated to the town and added to the General Fund.
22. Memo from Mr. Morgado re Water & Sewer Connection Charges. Town Engineer Jack Perreault, Water & Sewer Superintendent Robert Tozeski were present. Mr. DePalo advised that there was a question on how to handle water and sewer charges for hotels/motels. The current fee structure for water connections is \$4,000 water conservation fee and \$1,000 connection fee per unit. The sewer connection fee is determined by taking the number of bedrooms and multiplying that by 110 gallons times 4 for a fee of \$440. Assuming a home has four bedrooms the fees would be \$1,250 per bedroom and \$440 for sewer. Using four bedrooms as a unit for hotels/motels the water connection fee for 121 rooms would be 121 times \$1,250 and the sewer connection fee would be 121 time \$440. Mr., Tozeski advised that this is the criteria Westborough uses in determining water and sewer connections for hotels/motels. Motion was made, seconded and unanimously voted to adopt the fee structure for hotels/motels as recommended.
- 22a. Proposed State Cable Franchise Authority Bills S.1975 & H. 3385. SELCO General Manager Tom Josie is asking for the Board's support to the proposed bills that would take the Cable Franchise Authority from Cities/Town and give it to the State. Motion was made, seconded and unanimously voted to sign letter as drafted to our state legislators and the appropriate committees.

22b. Crendon & Co., Inc., 39 Jolma Road, Worcester, MA, One Day All Alcohol License for graduation party, Donahue Rowing Center, 237 No. Quinsigamond Ave., Saturday, June 16, 2007 from 1:00pm to 4:00pm. Motion was made, seconded and unanimously voted to approve the application as stated.

Executive Session:

23. Collective bargaining, pending litigation and value of real property. No executive session.

Communications:

24. Noted copy mailed: Letter from Mr. Morgado to Celma & Alejandro Vega, 5 Shirley Road, re land filling of property. The Vegas have been advised to stop filling in town land.
25. Noted copy mailed: School Committee Meeting Minutes, 4/11/07, 4/18/07 & 4/25/07.
26. Noted copy mailed: Senator's Kerry Monthly Update, April 2007.
27. Noted copy mailed: Letter from Mr. Morgado to Paul Burnett, 42 Richard Avenue, reappointing him to the Board of Sewer Commissioners.
28. Noted copy mailed: City & Town, Vol. 20, No. 4 – May 2007.
29. Noted copy mailed: E-mail from Chris Juetten, 41 Stonybrook Lane, re Budget.
30. Noted copy mailed: E-mail from Cynthia Wright, 1 Cooper Drive, re Budget.
31. Noted copy mailed: E-mail from Richard Renard, 6 Seneca Street, re Budget.
32. Noted copy mailed: Letter and related material from MMA re Telecommunications Franchising Task Force.
33. Noted copy mailed: E-mail from Kayrn Moffa, 20 Stonybrook Lane, re Budget.
34. Noted copy mailed: E-mail from Joy Buck, 11 Greylock Avenue, re Budget.
35. Noted copy mailed: Notice from MMA re new Selectmen's Training Seminar. Ms. Miller will attend.
36. Noted copy mailed: Notice of Public Meeting from CMMPO re proposed amendments to 2007 TIP listings, 2007 UPWP, & updates to CMMPO Public Outreach Program. Mr. DePalo will attend.
37. Noted copy mailed: MMA Action Alert #7, 5/16/07 – Senate W & M Unveils Budget: Debate Set for May 23.
38. Noted copy mailed: ZBA Hearing Minutes, 4/24/07, Town of Shrewsbury on behalf of Robert DeFalco, 197 Boston Turnpike.
39. Noted copy mailed: ZBA Hearing Minutes, 4/24/07, Michael Zenaro, 160 Boston Turnpike.
40. Noted copy mailed: Notice from ABCC re suspension All Alcohol License for Zante, Inc. d/b/a Sophie's.
41. Noted copy mailed: Letter from Mr. Morgado to Anthony Trippi reappointing him to the Light Commission for a three year term expiring on June 30, 2010.
42. Noted copy mailed: Letter from Mr. Morgado to Michael Refolo reappointing him to the Light Commission for a three year term expiring on June 30, 2010.
43. Noted copy mailed: Letter from Mr. Morgado to Donald Naber reappointing him to the Planning Board for a five year term expiring on June 30, 2012.
44. Noted copy mailed: Letter from School Committee Chairman Deborah Peeples to Parents/Guardians re update of status of school budget.
45. Noted copy mailed: Letter from Marian Smith, 175 North Street, re Greater Worcester Habitat for Humanity. Hold for June 25th meeting as Old Business.
46. Noted copy mailed: ZBA Hearing Agenda, 6/5/07.
47. Noted copy mailed: Memo from Supt. of Streets John Knipe re Street Surfacing.
48. Noted copy mailed; Mr. Morgado's letter to Corridor Nine Chamber of Commerce re membership.
49. Noted copy mailed; Veolia Water Monthly Compliance Report, April 2007.
50. Noted copy mailed: Letter from MassHighway re Speed Zoning Traffic Safety Rte. 140. Mr. Hale will ask Chief Hester for the information.
51. Noted copy mailed: Letter from Robert Basile, Shrewsbury Realty, LLC, re Intersection of Harrington Avenue & Route 9.
52. Noted copy mailed: MBTA Advisory Board Meeting Agenda and related material.
53. Noted copy mailed: Letter from Vanasse & Associates re Proposed Cumberland Farms, off Route 20.
54. Noted copy mailed: Letter from Verizon re The Massachusetts Cable Choice & Competition Act.
55. Noted copy mailed: Letter from Town of Walpole Selectmen re 40B Legislation. Hold for next meeting as Old Business.

56. Noted copy mailed: Street Sweeping Report as of 5/26/07.
57. Noted copy mailed: Notice of 4th of July Week Event honoring General Artemas Ward from Mass. Society of the Sons of the American Revolution. Event is scheduled for June 30th from 8:30am-11:00am.
58. Noted copy mailed: E-mail from Art Dobson, VP Spirit of Shrewsbury Committee, re Spirit of Shrewsbury Fall Festival events. Outline of events. Board unanimously approved parade.
59. Noted copy mailed: Fax from Central Region Homeland Security Advisory Council re regional emergency alerting system. Notice of a new regional alerting system. In the event of a problem similar to the recent one in Spencer occurred, communities could be alerted quickly.
60. Noted copy mailed: Shrewsbury Planning Board Agenda, 6/7/07.

Motion was made, seconded, and unanimously voted to adjourn at 10:26pm. On a roll call vote Ms. Miller, yes, Mr. Card, yes, Mr. McCaffrey, yes, Mr. Lebeaux, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy
Secretary